

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

PETER SWEENEY,

Plaintiff,

v.

FERNAND BECK; THE NEW YORK PROVINCE OF THE
SOCIETY OF JESUS; U.S.A. NORTHEAST PROVINCE OF THE
JESUIT FATHERS AND BROTHERS, a/k/a U.S.A.
NORTHEAST PROVINCE; THE USA NORTHEAST PROVINCE
OF THE SOCIETY OF JESUS, INC.; and FORDHAM
PREPARATORY SCHOOL,

Defendants.

[Please see Attached Rider for Defendants' Addresses]

Index No.

SUMMONS

Date Index No. Purchased:
October 25, 2019

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in Bronx County, New York, which is located in Bronx County, New York.

Dated: New York, New York
October 25, 2019

SIMMONS HANLY CONROY LLC



Paul J. Hanly, Jr.
Attorneys for Plaintiff
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6401 Telephone
(212) 213-5949 Facsimile
phanly@simmonsfirm.com

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

PETER SWEENEY,

Plaintiff,

v.

FERNAND BECK; THE NEW YORK PROVINCE OF THE
SOCIETY OF JESUS; U.S.A. NORTHEAST PROVINCE OF THE
JESUIT FATHERS AND BROTHERS, a/k/a U.S.A.
NORTHEAST PROVINCE; THE USA NORTHEAST PROVINCE
OF THE SOCIETY OF JESUS, INC.; and FORDHAM
PREPARATORY SCHOOL,

Defendants.

Index No.

RIDER TO SUMMONS

Defendant/Counsel	Service Address
FERNAND BECK	5657 Post Road, Bronx, Bronx County, New York
THE NEW YORK PROVINCE OF THE SOCIETY OF JESUS	39 East 83rd Street, New York County, New York
U.S.A. NORTHEAST PROVINCE OF THE JESUIT FATHERS AND BROTHERS, a/k/a U.S.A. NORTHEAST PROVINCE	39 East 83rd Street, New York County, New York
THE USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS, INC.	39 East 83rd Street, New York County, New York
FORDHAM PREPARATORY SCHOOL	441 East Fordham Road, Bronx, Bronx County, New York

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

PETER SWEENEY,

Plaintiff,

v.

FERNAND BECK; THE NEW YORK PROVINCE OF THE
SOCIETY OF JESUS; U.S.A. NORTHEAST PROVINCE OF THE
JESUIT FATHERS AND BROTHERS, a/k/a U.S.A.
NORTHEAST PROVINCE; THE USA NORTHEAST PROVINCE
OF THE SOCIETY OF JESUS, INC.; and FORDHAM
PREPARATORY SCHOOL,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Peter Sweeney, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against Defendants Fernand Beck; The New York Province of the Society of Jesus; U.S.A. Northeast Province of the Jesuit Fathers and Brothers, also known as U.S.A. Northeast Province; The USA Northeast Province of the Society of Jesus, Inc.; and Fordham Preparatory School, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that the Defendants reside in New York.
2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
3. Venue for this action is proper in the Bronx County pursuant to CPLR 503 in that one or more Defendants resides in this County.

PARTIES

4. Plaintiff Peter Sweeney ("Plaintiff") is an individual residing in Orlando, Orange County, Florida.

5. Defendant Fernand Beck is an individual with a residential address at 5657 Post Road, Bronx, Bronx County, New York.

6. Defendant The New York Province of the Society of Jesus was at all relevant times a province of the religious order of the Roman Catholic Church known as the Jesuit Fathers and Brothers, also known as Societas Jesu, also known as the Society of Jesus. Defendant The New York Province of the Society of Jesus ("New York Jesuit Society" hereafter) is a not-for-profit corporation with its principal office at 39 East 83rd Street, New York County, New York. At all relevant times, New York Jesuit Society oversaw, managed, supervised, controlled, directed and operated Fordham Preparatory School in Bronx County, New York.

7. Defendant U.S.A. Northeast Province of the Jesuit Fathers and Brothers, also known as U.S.A. Northeast Province ("Northeast Jesuit Province") is a province of the religious order of the Roman Catholic Church known as the Jesuit Fathers and Brothers, also known as Societas Jesu, also known as the Society of Jesus, with its principal office at 39 East 83rd Street, New York County, New York. As the result of a merger, Defendant Northeast Jesuit Province is a successor of New York Jesuit Society.

8. Defendant The USA Northeast Province of the Society of Jesus, Inc. ("Northeast Province, Inc.") is a not-for-profit corporation with its principal office at 39 East 83rd Street, New York County, New York. As the result of a corporate merger, Defendant Northeast Province, Inc. is a successor of New York Jesuit Society.

9. Defendant Fordham Preparatory School ("Fordham Preparatory") is a Roman Catholic high school with its principal office at 441 East Fordham Road, Bronx, Bronx County, New York. At all relevant times, New York Jesuit Society created, oversaw, supervised, managed, controlled, directed and operated Fordham Preparatory.

FACTS COMMON TO ALL CLAIMS

10. From approximately 1969 to approximately 2016, Defendant Fernand Beck worked as a religion teacher at Defendant Fordham Preparatory under the supervision, employ, direction, and/or control of Defendants New York Jesuit Society and/or Fordham Preparatory.

11. Plaintiff was born in 1963. From approximately 1977 to approximately 1981, for grades nine through twelve, Plaintiff attended Defendant Fordham Preparatory where Defendant Fernand Beck was a religion teacher.

12. At relevant times when Plaintiff was a student at Defendant Fordham Preparatory, Defendant Fernand Beck was Plaintiff's religion teacher at Defendant Fordham Preparatory.

13. At relevant times when Plaintiff was a student at Defendant Fordham Preparatory, Plaintiff attended parties with other students from Defendant Fordham Preparatory in or around Hackett Park, Bronx, New York. Students from Defendant Fordham Preparatory provided alcohol at these parties, and Plaintiff consumed alcohol at these parties. At relevant times, Defendant Fernand Beck attended these parties with Plaintiff and other students from Defendant Fordham Preparatory.

14. In approximately April of 1981 when Plaintiff was approximately 17 years old, Plaintiff and Defendant Fernand Beck both attended a party in or around Hackett Park, Bronx, New York with other students from Defendant Fordham Preparatory. Plaintiff consumed alcohol on this occasion and Plaintiff felt the effects of the alcohol. Defendant Fernand Beck drove Plaintiff and other students from Defendant Fordham Preparatory from the party to Defendant Fernand Beck's home in the Riverdale section of the Bronx, New York.

15. After Plaintiff arrived at Defendant Fernand Beck's home as described in paragraph 11 above, Plaintiff left Defendant Fernand Beck and the other students and found a bedroom with a bunk bed in Defendant Fernand Beck's home. Plaintiff fell asleep

in the top bunk of the bunk bed in Defendant Fernand Beck's home. Plaintiff woke up to find that Defendant Fernand Beck was in the bed with him. Defendant Fernand Beck then sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

16. Defendant Fernand Beck used his position at Defendant Fordham Preparatory, which granted him access to minors, to gain access to the minor Plaintiff and to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff.

Defendants' New York Jesuit Society and Fordham Prep's Responsibility for the Sexual Abuse Committed by Fernand Beck

17. At all times material hereto, Defendant Fernand Beck was under the management, supervision, employ, direction and/or control of Defendants New York Jesuit Society and Fordham Preparatory.

18. Through his position at, within, or for Defendants New York Jesuit Society and Fordham Preparatory, Defendant Fernand Beck was put in direct contact with Plaintiff.

19. Defendant Fernand Beck used his position at, within, or for Defendants New York Jesuit Society and Fordham Preparatory and the implicit representations made by them about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

20. Defendants New York Jesuit Society and Fordham Preparatory had the duty to reasonably manage, supervise, control and/or direct teachers who served at Fordham Preparatory, and specifically, had a duty not to aid pedophiles such as Defendant Fernand Beck by assigning, maintaining, and/or appointing them to positions with access to minors.

21. Defendants New York Jesuit Society and Fordham Preparatory knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Defendant Fernand Beck, who

sexually abused Plaintiff.

22. Defendants New York Jesuit Society and Fordham Preparatory had a duty to Plaintiff to properly supervise their agents to ensure that said agents did not use their positions with Defendants New York Jesuit Society and Fordham Preparatory as a tool for grooming and assaulting vulnerable children. Defendants New York Jesuit Society and Fordham Preparatory knew or should have known that Defendant Fernand Beck used his position at Fordham Preparatory to sexually abuse minor children, including Plaintiff.

Consequences of the Abuse

23. Plaintiff suffered personal physical and psychological injuries and damages as a result of Defendant Fernand Beck's actions, as well as other damages related thereto, as a result of his childhood sexual abuse.

24. As a direct result of the Defendants' conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendant Fernand Beck's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm he suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Assault

25. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

26. By engaging in the explicit sexual behavior and lewd and lascivious

conduct described above, Defendant Fernand Beck acted intentionally so as to cause harmful and offensive contact with the minor Plaintiff.

27. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Fernand Beck intentionally placed the minor Plaintiff in imminent and reasonable apprehension of said harmful and offensive contact.

28. As a direct and proximate result of Defendant Fernand Beck placing Plaintiff in imminent and reasonable apprehension of harmful and offensive contact, Plaintiff suffered and will continue to suffer the injuries described herein.

SECOND CAUSE OF ACTION

Battery

29. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

30. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Defendant Fernand Beck acted intentionally so as to cause unjustified offensive physical contact and touching of the minor Plaintiff, and repeatedly performed such unjustified offensive physical contact and touching of the minor Plaintiff.

31. As a direct and proximate result of Defendant Fernand Beck's unconsented, unjustified, and offensive physical contact and touching, Plaintiff suffered and will continue to suffer the injuries described herein.

THIRD CAUSE OF ACTION

Intentional Infliction of Emotional Distress

32. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

33. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, either Defendant Fernand Beck intended to inflict emotional distress upon Plaintiff, or Defendant Fernand Beck knew or should have known and disregarded the substantial likelihood that severe emotional distress would be the result

of his conduct.

34. The conduct of Defendant Fernand Beck in engaging in explicit sexual behavior and lewd and lascivious conduct with a minor as described above is extreme and outrageous.

35. The mental distress and emotional injuries which Plaintiff suffered and will continue to suffer were and are lasting and severe.

36. As a direct and proximate result of Defendant Fernand Beck engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Plaintiff suffered and will continue to suffer the injuries described herein.

FOURTH CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

37. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

38. Defendants New York Jesuit Society and Fordham Preparatory at all relevant times indicated that minors who attended Fordham Preparatory would be physically safe while in the presence of teachers working at Fordham Preparatory. Defendants New York Jesuit Society and Fordham Preparatory entered into an express and/or implied duty to provide that when Plaintiff was a minor left in the presence of a teacher hired by, retained by, directed by, and/or under the supervision of Defendants New York Jesuit Society and Fordham Preparatory, Plaintiff would be kept reasonably safe and that that teacher would not sexually abuse Plaintiff.

39. Defendants New York Jesuit Society and Fordham Preparatory owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Defendant Fernand Beck in his role as teacher, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Defendant Fernand Beck did not use his assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

40. Defendants New York Jesuit Society and Fordham Preparatory knew or should have known of Defendant Fernand Beck's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

41. The sexual abuse of children by adults, including teachers, is a foreseeable result of negligence.

42. Defendant Fernand Beck sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff while Defendant Fernand Beck was a teacher and agent of Defendants New York Jesuit Society and Fordham Preparatory.

43. Defendants New York Jesuit Society and Fordham Preparatory negligently hired, retained, directed, and supervised Defendant Fernand Beck, as Defendants New York Jesuit Society and Fordham Preparatory knew or should have known that Defendant Fernand Beck posed a threat of sexual abuse to minors.

44. Defendants New York Jesuit Society and Fordham Preparatory were negligent in failing to properly supervise Defendant Fernand Beck.

45. At all times material hereto, Defendants New York Jesuit Society and actions were willful, wanton, malicious, reckless, negligent, and/or outrageous in their disregard for the rights and safety of Plaintiff.

46. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

47. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

48. By reason of the foregoing, the Defendants New York Jesuit Society and Fordham Preparatory are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION
Negligence/Gross Negligence

49. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

50. At all times material hereto, with regard to the allegations contained herein, Defendant Fernand Beck was under the supervision, employ, direction and/or control of Defendants New York Jesuit Society and Fordham Preparatory.

51. Defendants New York Jesuit Society and Fordham Preparatory owed Plaintiff, at the relevant times a minor, a duty to protect Plaintiff from Defendant Fernand Beck's sexual deviancy and the consequential damages, both prior to and/or subsequent to Defendant Fernand Beck's misconduct.

52. Defendants New York Jesuit Society and Defendant Fordham Preparatory knew, or were negligent in not knowing, that Defendant Fernand Beck posed a threat of sexual abuse to minors.

53. The acts of Defendant Fernand Beck described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective employment, appointment, assignment, and/or agency with Defendants New York Jesuit Society and Fordham Preparatory.

54. Defendants New York Jesuit Society's and Fordham Preparatory's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

55. Defendants New York Jesuit Society and Fordham Preparatory:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Defendant Fernand Beck;
- c. permitted, and/or intentionally failed and/or neglected to prevent,

negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under its control; and

d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint to occur.

56. At all times material hereto, Defendants New York Jesuit Society's and Fordham Preparatory's actions were willful, wanton, malicious, reckless, negligent, and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

57. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

58. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

59. By reason of the foregoing, the Defendants New York Jesuit Society and Fordham Preparatory are liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION

Breach of Non-Delegable Duty

60. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

61. Plaintiff, when he was a minor, was placed in the care and supervision of Defendants New York Jesuit Society and Fordham Preparatory for the purposes of, *inter alia*, providing Plaintiff with a safe environment in which to participate in educational, youth, and recreational activities. There existed a non-delegable duty of trust between Plaintiff and Defendants New York Jesuit Society and Fordham Preparatory.

62. Plaintiff was a vulnerable minor when placed with the care of Defendant Fernand Beck, an agent of Defendants New York Jesuit Society and Fordham Preparatory.

63. At all times material hereto, Defendant Fernand Beck was under the supervision, employ, direction and/or control of Defendants New York Jesuit Society and Fordham Preparatory.

64. As a consequence, Defendants New York Jesuit Society and Fordham Preparatory were in the best position to prevent Defendant Fernand Beck's sexual abuse of Plaintiff, to learn of that sexual abuse of Plaintiff and stop it, and to take prompt steps to provide that Plaintiff received timely therapy to address the harm Plaintiff suffered resulting from Defendant Fernand Beck's sexual abuse of Plaintiff. Such prompt steps would have mitigated the extent of lifetime suffering Plaintiff has had to endure.

65. By virtue of the fact that Plaintiff was sexually abused as a minor entrusted to the care of Defendants New York Jesuit Society and Fordham Preparatory, Defendants New York Jesuit Society and Fordham Preparatory breached their non-delegable duty to Plaintiff.

66. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

67. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

68. By reason of the foregoing, the Defendants New York Jesuit Society and Fordham Preparatory are liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SEVENTH CAUSE OF ACTION**Negligent Infliction of Emotional Distress**

69. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 24 as it fully set forth herein.

70. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants New York Jesuit Society and Fordham Preparatory. This relationship is based on the entrustment of the Plaintiff while he was a minor child to the care and supervision of Defendants New York Jesuit Society and Fordham Preparatory. This entrustment of the Plaintiff to the care and supervision of Defendants New York Jesuit Society and Fordham Preparatory, while the Plaintiff was a minor child and student, required Defendants New York Jesuit Society and Fordham Preparatory to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect Plaintiff due to his infancy and vulnerability.

71. Pursuant to their fiduciary relationship, Defendants New York Jesuit Society and Fordham Preparatory were entrusted with the well-being, care, and safety of Plaintiff.

72. Pursuant to their fiduciary relationship, Defendants New York Jesuit Society and Fordham Preparatory assumed a duty to act in the best interests of Plaintiff.

73. Defendants New York Jesuit Society and Fordham Preparatory breached their fiduciary duty to Plaintiff.

74. At all times material hereto, Defendants New York Jesuit Society's and Fordham Preparatory's actions and/or inactions were willful, wanton, malicious, negligent, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

75. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

76. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit

Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

77. By reason of the foregoing, the Defendants New York Jesuit Society and Fordham Preparatory are liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

EIGHTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

78. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

79. As described above, the actions of Defendants New York Jesuit Society and Fordham Preparatory, as well as their predecessors and/or successors, agents, servants, and/or employees, were conducted in a negligent and/or grossly negligent manner.

80. Defendants New York Jesuit Society's and Fordham Prep's actions endangered Plaintiff's safety and caused him to fear for his own safety.

81. As a direct and proximate result of Defendants New York Jesuit Society's and Fordham Preparatory's actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

82. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

83. By reason of the foregoing, the Defendants New York Jesuit Society and Fordham Preparatory are liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

NINTH CAUSE OF ACTION

Breach of Duty *in Loco Parentis*

84. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 24 as if fully set forth herein.

85. While he was a minor, Plaintiff was entrusted by his parents to the control of Defendants New York Jesuit Society and Fordham Preparatory, for the purposes of, *inter alia*, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. Defendants New York Jesuit Society and Fordham Preparatory owe—and owed—a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

86. Defendants New York Jesuit Society and Fordham Preparatory breached their duty to act *in loco parentis*.

87. At all times material hereto, Defendants New York Jesuit Society's and Fordham Preparatory's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

88. As a direct result of Defendants New York Jesuit Society's and Fordham Preparatory's conduct, Plaintiff has suffered the injuries and damages described herein.

89. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

90. By reason of the foregoing, the Defendants New York Jesuit Society and Fordham Preparatory are liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: October __, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr. _____
Paul J. Hanly, Jr.
phanly@simmonsfirm.com
Jayne Conroy
jconroy@simmonsfirm.com
Andrea Bierstein
abierstein@simmonsfirm.com
SIMMONS HANLY CONROY LLC
112 Madison Avenue
New York, NY 10016
(212) 784-6401 Telephone
(212) 213-5949 Facsimile

Attorneys for Plaintiff

Of counsel:
Mitchell Garabedian

mgarabedian@garabedianlaw.com

William H. Gordon

wgordon@garabedianlaw.com

LAW OFFICES OF MITCHELL GARABEDIAN

100 State Street, 6th Floor

Boston, MA 02109

Phone: (617) 523-6250